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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,352	06/27/2001	Roger D. Way	4612.P0006US	7510
7590	03/17/2008		EXAMINER	
Sidney B. Williams, Jr. FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 Rambling Road Kalamazoo, MI 49008-1631			BELL, KENT L	
			ART UNIT	PAPER NUMBER
			1661	
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			03/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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### NOTICE UNDER 37 CFR 1.251 – Pending Application

The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

The original color drawings dated 6/27/2001.

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PTO Doc. Code: R251.NTC (Rev. 03/05)

In re Application of: **ROGER D. WAY et al.**  
Application No.: **09/894,352**  
Filing Date: **06/27/2001**  
Title: **SWEET CHERRY TREE NAMED 'NEWFANE'**  
Direct to: U. S. Patent and Trademark Office  
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**NOTICE UNDER 37 CFR 1.251 – Pending Application****Statement (check the appropriate box):**

The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

Applicant does not possess any record of the correspondence between the Office and the applicant for the above identified application.

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*Date*

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*Signature*

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*Typed or printed name***A Copy of this notice should be returned with the reply.**

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